

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:05CR3-3

UNITED STATES OF AMERICA)
)
)
 VS.) ORDER
)
)
)
 RICHARD JAMES TEESATUSKI)
)

THIS MATTER is before the Court on the Defendant's motion for notification of the Government's intent to seek cross application of the murder guidelines to this case and for discovery relating to such application.

The Court has reviewed the Government's objection to the presentence report and finds that it is not supported by any case law showing it would be entitled to a cross application of the murder guideline. Especially in view of recent Supreme Court decisions, such authority is necessary.

IT IS, THEREFORE, ORDERED that the Government file response to the Defendant's motion within 15 days from entry of this Order.

Signed: July 18, 2005



Lacy H. Thornburg
United States District Judge

